In	re	App.	lication	of:

Axel UNTERBECK et al.

Group Art Unit Unassigned

Serial No.: 10/580,008

Examiner: Unassigned

Filed: May 19, 2006

Title: METHODS OF TREATMENT USING (+)-ISOPROPYL 2-METHOXYETHYL 4-(2-CHLORO-3-CYANO-PHENYL)-1,4-DIHYDRO-2,6-DIMETHYL-PYRIDINE-3,5-DICARBOXYLATE

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

## MAIL STOP AMENDMENT.

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

## Timing and Fees

$\boxtimes$	37 C.F.R. § 1.97(b), no fee or statement is required for filing this information sure statement is filed:
	within three months of the filing date of a national application other than a CPA under § 1.53(d);
	within three months of the actual filing date of the national phase of a PCT application; OR
	before the mailing of a first substantive office action (including after filing of an RCE).
	37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods ied in 37 C.F.R. § 1.97(b), but before the mailing date of:
	a final rejection under 37 C.F.R. 1.113;
	termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);

OR a notice of allowance under 37 C.F.R. § 1.311; and is accompanied by: the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p). Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn: a final action under 37 C.F.R. § 1.113; termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); a notice of allowance under 37 C.F.R. § 1.311; AND is filed on or before payment of the issue fee; AND is accompanied by: the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p). Statements Under 37 C.F.R. 1.97(e) Each item of information contained in this information disclosure statement was a first cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement. Cited Materials Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. , on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).

		Copies of materials listed were cited in an international search report dated
		Copies of the material listed but not attached are not required by 37 CFR § 1.98 (U.S. patent references).
	$\boxtimes$	Copies of the materials listed are attached.
Non-Er	nglish I	Language References
	$\boxtimes$	An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
		A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:
		<ul> <li>X = document of particular relevance when it is taken alone</li> <li>Y = document of particular relevance when it is combined with another such document</li> <li>A = document defining the general state of the art</li> <li>O = non-written disclosure</li> <li>P = intercalated document</li> <li>T = document cited to understand the theory or principle underlying the invention</li> <li>E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date</li> <li>D = cited in the application</li> <li>L = cited for another reason</li> <li>&amp; = publication of member of same patent family</li> </ul>
		Translation of other relevant information on foreign search report
Other I	nforma	<u>tion</u>
Paymer	nt of Fe	es Due (If Any):
	A chec	k for \$ covering the fee identified above is attached.
	Please	charge to Deposit Account No. 13-3402 \$ for the fee identified above.

The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

Brion P. Heaney Keg. No. 32,542 Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza I 2200 Clarendon Blvd. Suite 1400 Arlington, Virginia 22201 Telephone: (703) 243-6333 Facsimile: (703) 243-6410

Attorney Docket No. MEMORY-0034 B

Date: June 19, 2007

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031= U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no p respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO Complete if Known Application Number 10/580,008 INFORMATION DISCLOSURE Filing Date May 19, 2006 STATEMENT BY APPLICANT First Named Inventor **Axel UNTERBECK** Group Art Unit Unassigned (use as many sheets as necessary) **Examiner Name** Unassigend Sheet of MEMORY-34B Attorney Docket Number

	U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No.1	U.S. Patent Docu	ment Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document  MM-DD-YYYY		
		5,665,740		Meier et al.	9/9/1997		
		5,846,514		Foster et al.	12/8/1998		
		6,334,997		Foster et al.	1/1/2002		
	-						
				***************************************			

		Foreign Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant		
Examiner Initials*	Cite No.1	Office <sup>3</sup>	Number⁴	Kind Code <sup>5</sup> ( <i>if known</i> )	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T <sup>6</sup>

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST, 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

Please type a plus sign (+) inside this box

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no personal to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO Complete if Known 10/580,008 Application Number INFORMATION DISCLOSURE Filing Date May 19, 2006 STATEMENT BY APPLICANT First Named Inventor Axel UNTERBECK Group Art Unit Unassigned (use as many sheets as necessary) Unassigend **Examiner Name** Sheet of Attorney Docket Number MEMORY-34B

	NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T 2		
		International Search Report and the Written Opinion of the Int'l. Searching Authority, issued 4/26/2005 in PCT/US2004/038624.			
	1				

Examiner		Date	
Signature	•	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.